

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY  D.C.

05 MAY 17 PM 1:14

THOMAS J. HARRIS
CLERK, U.S. DIST. CT.
W. D. OF TN, MEMPHIS

LAMAR SALTER, JR.,

Plaintiff,

v.

HARTFORD LIFE GROUP INSURANCE
COMPANY,

Defendant.

No. 04-3058

JOINT SCHEDULING ORDER

In accordance with the Rule 26(f) Report of Parties' Planning Meeting, and the Court's case management conference, the following is established for this case:

1. This Court has subject matter jurisdiction of this civil action pursuant to the civil enforcement provision of ERISA, 29 U.S.C. 1132(e)(1).
2. Defendant contends CNA Group Life Assurance Company is now known as and operating as Hartford Life Group Insurance Company ("Hartford"). Accordingly, Defendant contends Hartford should be substituted as the proper defendant in this matter.
3. In this action, Plaintiff has brought an ERISA claim for benefits, attorneys fees, and costs. Defendant has denied responsibility for any of these benefits, fees, or costs. Defendant contends that discovery is not proper.


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4. The parties agree that, with certain limited exceptions, civil actions for plan benefits under ERISA are generally resolved upon the parties' motions for judgment based upon the existing administrative record. Therefore, the parties do not anticipate submitting Rule 26(a) disclosures, propounding discovery, or responding to written discovery.

5. At this juncture, Defendant has not submitted the administrative record to either the Plaintiff or the Court for inspection. Accordingly, the Defendant shall submit the administrative record no later than June 20, 2005. Plaintiff shall then have a reasonable opportunity to inspect the administrative record to determine whether Plaintiff contends discovery is warranted. If Plaintiff believes discovery is required, Plaintiff shall submit a written motion to the Court explaining the basis for said discovery no later than August 4, 2005. The Defendant will have fifteen (15) days thereafter to respond to Plaintiff's motion.

6. In lieu of a trial, the parties shall each file motions for judgment by October 3, 2005. Response briefs shall be due November 3, 2005. In the event either party wishes to file a reply brief, leave of court must be obtained.

IT IS SO ORDERED ON THIS 16th DAY OF May, 2005.



JUDGE DIANNE VESCOVO
U.S. Magistrate Judge



Notice of Distribution

This notice confirms a copy of the document docketed as number 5 in case 2:04-CV-03058 was distributed by fax, mail, or direct printing on May 20, 2005 to the parties listed.

Jennifer M. Eberle
BASS BERRY & SIMS PLC
100 Peabody Place
Ste. 900
Memphis, TN 38103

David A. Thornton
BASS BERRY & SIMS PLC
100 Peabody Place
Ste. 900
Memphis, TN 30103

Daniel L Johnson
JOHNSON COCKE & BRANDON
254 Court Ave.
Ste. 300
Memphis, TN 38103

Honorable Samuel Mays
US DISTRICT COURT